

October 21, 2016

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 21, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Anita M. Cummings, G.A. Finch, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director and Jane Ryan (by telephone), Exemption Monitor; Roneta Taylor (by telephone), Sherry Campbell (by telephone), John Logsdon (by telephone) and Kevin Waters (by telephone), Illinois Department of Central Management Services; Camile Lindsay, Illinois Department of Corrections; James Joseph and Kevin Moore (by telephone), Illinois Emergency Management Agency; Diane Grigsby Jackson, Khari Hunt, Don Repp (by telephone), MetaJo Floyd (by telephone), Scott Viniard (by telephone) and Heidi Guernsey (by telephone), Illinois Department of Human Services; Jessica Nunes (by telephone), Illinois State Lottery; Don Kauerauf (by telephone), Illinois Department of Public Health; and Aukosua Stokes, Julia Kieler, and Erin Bonales, Office of Executive Inspector General,

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD SEPTEMBER 16, 2016

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD SEPTEMBER 16, 2016.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

| <u>Agency</u> | <u>Total Employees</u> | <u>Number of Exempt Positions</u> |
|---|------------------------|-----------------------------------|
| Aging..... | 146..... | 18 |
| Agriculture..... | 425..... | 20 |
| Arts Council..... | 9..... | 2 |
| Capitol Development Board..... | 42..... | 0 |
| Central Management Services..... | 1,372..... | 109 |
| Children and Family Services..... | 2,586..... | 54 |
| Civil Service Commission..... | 3..... | 0 |
| Commerce & Economic Opportunity..... | 286..... | 69 |
| Commerce Commission..... | 59..... | 0 |
| Corrections..... | 11,719..... | 103 |
| Criminal Justice Authority..... | 51..... | 7 |
| Deaf and Hard of Hearing Comm..... | 5..... | 1 |
| Developmental Disabilities Council..... | 8..... | 1 |
| Emergency Management Agency..... | 67..... | 5 |
| Employment Security..... | 1,124..... | 31 |
| Environmental Protection Agency..... | 699..... | 17 |
| Financial & Professional Regulation..... | 418..... | 49 |
| Gaming Board..... | 168..... | 6 |
| Guardianship and Advocacy..... | 95..... | 8 |
| Healthcare and Family Services..... | 1,935..... | 26 |
| Historic Preservation Agency..... | 143..... | 17 |
| Human Rights Commission..... | 14..... | 2 |
| Human Rights Department..... | 122..... | 9 |
| Human Services..... | 13,065..... | 77 |
| Illinois Torture Inquiry Relief Commission..... | 2..... | 1 |
| Independent Tax Tribunal..... | 1..... | 0 |
| Innovation and Technology..... | 9..... | 12 |
| Insurance..... | 232..... | 16 |
| Investment Board..... | 3..... | 2 |
| Juvenile Justice..... | 1,049..... | 27 |
| Labor..... | 81..... | 11 |
| Labor Relations Board Educational..... | 9..... | 3 |
| Labor Relations Board State..... | 15..... | 2 |
| Law Enforcement Training & Standards Bd..... | 20..... | 2 |
| Lottery..... | 144..... | 9 |
| Military Affairs..... | 134..... | 3 |
| Natural Resources..... | 1,195..... | 32 |
| Pollution Control Board..... | 20..... | 2 |
| Prisoner Review Board..... | 22..... | 1 |
| Property Tax Appeal Board..... | 31..... | 1 |
| Public Health..... | 1,097..... | 39 |
| Racing Board..... | 2..... | 1 |
| Revenue..... | 1,526..... | 52 |
| State Fire Marshal..... | 119..... | 12 |
| State Police..... | 1,023..... | 10 |
| State Police Merit Board..... | 7..... | 2 |
| State Retirement Systems..... | 102..... | 3 |
| Transportation..... | 2,141..... | 0 |
| Veterans' Affairs..... | 1,322..... | 10 |
| Workers' Compensation Commission..... | 128..... | 11 |
| TOTALS..... | 44,995..... | 895 |

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Exemption Monitor Jane Ryan reported the following:

- As to Items C1 & C2, these requests are for a Deputy Director and Assistant Deputy Director of Operational Excellence at the Department of Central Management Services (CMS). Item C1 is for the Deputy Director position which reports to the Director. The Deputy Director position will have principal policy responsibility for development, training, and implementation of a statewide program related to continuous process improvement designed to achieve operating objectives of CMS and client agencies served by CMS. The “Rapid Results Program” is similar to a federal program developed to improve government efficiency https://cms2.portal.illinois.gov/sites/RapidResults/layouts/15/start.aspx#. The agency has indicated that no additional requests are being considered by CMS. For these reasons, Staff recommended approval of the Deputy Director position. CMS has requested withdrawal of the Assistant Deputy Director position and staff concurred with the agency’s request.
- Item D is a request from the Lottery for a Chief Transition Officer, a position that reports to the Director. The agency has requested a continuance to the November meeting as a new Lottery Director begins work October 24th and may wish to review the need for this position. Staff concurred with this request.
- The Illinois Department of Innovation and Technology (DoIT) has requested Item E be continued to the Commission’s November 2016 meeting. Staff concurred with their request.
- As to Item F, this request is for a Chief Accountability Officer (CAO) at the Department of Public Health (DPH), a position that reports to the Deputy Director of the Office of Performance Management who reports to the Director. The CAO position is mandated by the Grant Accountability and Transparency Act (GATA) which is designed to reduce administrative burdens on State grant-making agencies, streamline the entire grant process and improve outcomes. GATA, by its terms, states that the Governor’s Office of Management & Budget (GOMB) is something of the overseer of the process and the agency CAO acts as a liaison to it. However, the Act also states that the CAOs are responsible for the State agency’s implementation of and compliance with the rules for grant accountability. GOMB took the position that the grant of a principal policy exemption for CAO positions is not inappropriate.

Consultation with agencies in earlier requests and GOMB determined that, while GOMB has the authority for the grant administration rules, the CAOs will be principally responsible for ensuring their agencies are in compliance with the rules. Staff also found it significant that this CAO position has overall responsibility for the grant management program at DPH. It is noteworthy that DPH awarded over 1500 grants worth over \$130 million in Fiscal Year 2016. For all these reasons, Staff recommended approval of this request.

- Item G1 is a request for a Clinical Director for the Office of Clinical, Administrative & Program Support at the Department of Human Services (DHS), a position that reports to the Administrator of Mental Health who reports to a statutory Assistant Secretary who reports to the Secretary. By statute (720 ILCS 570/320), this position serves as the Chair of the Prescription Monitoring Program Advisory Committee and of the Peer-Review Subcommittee which will entail leadership in developing Administrative Rules relating to substantial changes in the law regarding opioids and other controlled substances. The position will also be responsible for DHS' role relating to the Heroin and Opioid Overdose Prevention Act (PA00-0480) and the Firearms Owners Identification Program. For these reasons, Staff recommended approval of this request.

Commissioner Krey expressed concern about the numerous vacancies in the DHS organizational chart. Don Repp indicated some of those positions had been filled via contractual employees by recent retirees but they have had success recently in filling two positions and they have candidates they believe appropriate for the requested exemptions.

The agency has requested to continue Item G2 to the Commission's November meeting. Staff concurred with this request.

- Item G3 is a request for an Associate Director for the Office of Early Childhood who reports to the Director of Family Community Services (FCS) who reports to a statutory Assistant Secretary who reports to the Secretary of Department of Human Services (DHS). This position had previously been established as a Code covered position. However, the duties have been substantially revised. As discussed above, several agencies have overlapping responsibilities but DHS provided statutory references indicating that DHS serves as the lead agency with this position responsible for implementing and coordinating programs under the Early Intervention Services System Act (325 ILCS 20). The program for which this position is responsible is one of DHS' largest with a budget of over \$1.6 billion designed to focus on early childhood development and health & safety of children so they are prepared to enter kindergarten ready to learn. Based upon this information, Staff recommended approval of this request.

MetaJo Floyd indicated this is the largest grant program in FCS.

- As to Item H, this is a request from Illinois Emergency Management Agency (IEMA) for an Urban Area Security Initiative (UASI) Administrator /Policy Advisor who reports to the Director. The position is responsible for development and implementation of the state's plan for evacuation, protection and sheltering of citizens in the Chicago metropolitan statistical area (MSA). This includes ensuring that the state plan is compatible with the plans for the Chicago MSA including federally established areas in Wisconsin and Indiana as well as the City of Chicago, Cook County, and surrounding jurisdictions. The position will be responsible for setting the spending priorities, determining the best usage of the funds, and determining the legitimacy of the local jurisdictions' UASI proposed projects. The Administrator will be responsible for making sure that the spending of the UASI

funds and the proposed projects fit within the policy objectives that the position establishes. This is the third largest Homeland Security Grant in the nation and covers approximately three quarters of Illinois' population. Based upon this information, Staff recommended approval of this request.

James Joseph, Director of IEMA, said the Chicago MSA is the third largest security risk defined by U.S. Homeland Security and a senior person in the Chicago area for operational and fiscal responsibility and accountability is necessary.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 TO GRANT THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

- C1: Deputy Director, Office of Operational Excellence (CMS)**
- F: Chief Accountability Officer (Public Health)**
- G1: Clinical Director, Prescription Monitoring Program (Human Services)**
- G3: Associate Director, Office of Early Childhood (Human Services)**
- H: Urban Area Security Initiative (UASI) Administrator/Policy Advisor to the Director (Emergency Management)**

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CONTINUE THE FOLLOWING EXEMPTION REQUESTS TO THE NOVEMBER 2016 MEETING:

- D: Chief Transition Officer (Lottery)**
- E: Affirmative Action/Equal Employment Opportunity Officer (Department of Innovation and Technology)**
- G2: Associate Director, Office of Family Wellness (Human Services)**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ACCEPT THE WITHDRAWAL OF THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

The following 4d(3) exemption requests were granted on October 21, 2016:

C1. Illinois Department of Central Management Services

| | |
|------------------|---|
| Position Number | 40070-37-00-200-00-01 |
| Functional Title | Deputy Director, Office of Operational Excellence |
| Incumbent | Vacant |
| Supervisor | Director |
| Location | Sangamon County |

F. Illinois Department of Public Health

| | |
|------------------|---|
| Position Number | 37015-20-01-040-40-81 |
| Functional Title | Chief Accountability Officer |
| Incumbent | Vacant |
| Supervisor | Deputy Director of Performance Management who reports to Director |
| Location | Cook County |

G1. Illinois Department of Human Services

| | |
|------------------|--|
| Position Number | 40070-10-89-260-00-01 |
| Functional Title | Clinical Director, Prescription Monitoring Program |
| Incumbent | Vacant |
| Supervisor | Manager, Clinical Administrative & Program Support, who reports to the Assistant Secretary, who reports to the Secretary |
| Location | Sangamon County |

G3. Illinois Department of Human Services

| | |
|------------------|--|
| Position Number | 40070-10-90-222-00-01 |
| Functional Title | Associate Director, Office of Early Childhood |
| Incumbent | Vacant |
| Supervisor | Assistant Director, Division of Family & Community Services who reports to the Director, Division of Family & Community Services, who reports to the Assistant Secretary, who in turn reports to the Secretary |
| Location | Sangamon County |

H. Illinois Emergency Management Agency

| | |
|------------------|--|
| Position Number | 40070-50-17-060-00-01 |
| Functional Title | Urban Area Security Initiative (UASI) Administrator/Policy Advisor to the Director |
| Incumbent | Vacant |
| Supervisor | Director |
| Location | Cook County |

The following 4d(3) exemption requests were continued to the November 2016 meeting:

D. Illinois Department of Lottery

| | |
|------------------|---|
| Position Number | 40070-45-00-200-00-01 |
| Functional Title | Chief Transition Officer (exemption granted for 24 months in September 2014) |
| Incumbent | Vacant |
| Supervisor | Director |
| Location | Cook County |

E. Illinois Department of Innovation and Technology

| | |
|------------------|---|
| Position Number | 40070-28-00-000-10-01 |
| Functional Title | Affirmative Action/Equal Employment Opportunity Officer |
| Incumbent | Vacant |
| Supervisor | Secretary |
| Location | Sangamon County |

G2. Illinois Department of Human Services

| | |
|------------------|--|
| Position Number | 40070-10-90-111-00-01 |
| Functional Title | Associate Director, Office of Family Wellness |
| Incumbent | Vacant |
| Supervisor | Assistant Director, Division of Family & Community Services who reports to the Director, Division of Family & Community Services, who reports to the Assistant Secretary, who in turn reports to the Secretary |
| Location | Cook County |

The following 4d(3) exemption request was withdrawn on October 21, 2016:

C2. Illinois Department of Central Management Services

| | |
|------------------|---|
| Position Number | 40070-37-00-200-10-01 |
| Functional Title | Assistant Deputy Director, Office of Operational Excellence |
| Incumbent | Vacant |
| Supervisor | Deputy Director, Office of Operational Excellence who reports to the Director |
| Location | Sangamon County |

VI. STAFF REPORT ON 4D(1) EXEMPT POSITIONS

Executive Director Stralka noted that the Staff Report had previously been provided to the Commissioners and added that the Human Resources Director for the Department of Revenue had contacted him to indicate a clarification of the position description for the vacant private secretary at the Illinois Liquor Control Commission would be forthcoming in the next two weeks to remove the 4d(1) exemption status. Commissioner Krey inquired if this came from Central Management Services. Executive Director Stralka indicated that it was from the Illinois Liquor Control Commission which was simply implementing an agreed plan to remove this anomaly one year late.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0, TO APPROVE THE STAFF REPORT ON SECTION 4D(1) EXEMPT POSITIONS AND ATTACH IT TO THESE MINUTES.

VII. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for creation by the Director of the Illinois Department of Central Management Services (CMS):

- B. Corrections Treatment Officer**
 - Corrections Treatment Officer Supervisor**
 - Corrections Treatment Officer Trainee**
 - Corrections Treatment Senior Security Supervisor**

Assistant Executive Director Barris reported that the proposed class specifications were requested by the Department of Corrections (DOC) as a result of the settlement agreement in the case of Rasho v. James Baldwin to address the treatment of mental illness in correctional facilities. Barris spoke to Camile Lindsay, Chief Legal Counsel at the DOC, and later spoke to John Logsdon at CMS Technical Services about the proposed classes. Barris explained to the Commission that the proposed classes were based upon similar classes used at the Department of Juvenile Justice (DJJ). Barris inquired from both Lindsay and Logsdon about the similarities between the positions within the classes at DOC and DJJ. It was confirmed that the proposed classes at the DOC were similar to the DJJ classes except that the proposed classes at DOC placed more emphasis on addressing mental illness while the DJJ classes included broader responsibilities. Lindsay explained that the proposed classes required a bachelor's degree while the Correctional Officer class did not require a degree. Commissioner Krey asked if it would be difficult to find candidates to fill positions within the class as a result of the increase in educational requirements and Camile Lindsay explained that this problem was not encountered at the DJJ. Commissioner Krey asked how many people total would fill positions within the proposed classes and Lindsay stated that she did not have the exact figures. Commissioner Krey asked how many offenders were at issue and Lindsay explained that there were approximately 14,500 offenders at issue and two wings were opened at the Elgin facility to address the issue. For all of the above reasons, the Commission Staff recommended approval of the proposed classes.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO APPROVE THE CREATION OF CLASS SPECIFICATIONS EFFECTIVE NOVEMBER 1, 2016 FOR THE FOLLOWING POSITIONS:

- B. Corrections Treatment Officer**
 - Corrections Treatment Officer Supervisor**
 - Corrections Treatment Officer Trainee**
 - Corrections Treatment Senior Security Supervisor**

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management

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Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

IX. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

| | | | |
|-----------------|------------|-----------------|------------|
| CUMMINGS | YES | FINCH | YES |
| KREY | YES | URLACHER | YES |

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X. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:52 a.m.

PRESENT

Anita M. Cummings, G.A. Finch, Susan Moylan Krey and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris (by telephone), Assistant Executive Director and Jane Ryan (by telephone), Exemption Monitor.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CORRECT THE SEPTEMBER MINUTES TO INDICATE THAT EXEMPTION REQUESTS WERE CONTINUED TO THE OCTOBER MEETING, NOT THE SEPTEMBER MEETING (PAGE 4).

XI. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services:

| Agency | 8/31/16 | 9/30/16 | 9/30/15 |
|---------------------------------------|----------------|----------------|----------------|
| Agriculture | 2 | 2 | 6 |
| Arts Council | 0 | 0 | 1 |
| Central Management Services | 3 | 1 | 3 |
| Children and Family Services | 1 | 0 | 1 |
| Emergency Management Agency | 1 | 0 | 0 |
| Employment Security | 0 | 0 | 1 |
| Financial and Professional Regulation | 1 | 0 | 0 |
| Healthcare and Family Services | 3 | 1 | 4 |
| Historic Preservation Agency | 1 | 0 | 3 |
| Human Rights Department | 1 | 0 | 0 |
| Human Services | 8 | 6 | 12 |
| Insurance | 1 | 1 | 1 |
| Natural Resources | 21 | 15 | 40 |
| Public Health | 0 | 0 | 1 |
| Revenue | 0 | 0 | 6 |
| State Fire Marshal | 1 | 1 | 0 |
| State Police | 1 | 1 | 0 |
| State Retirement Systems | 1 | 1 | 3 |
| Transportation | 1 | 2 | 2 |
| Workers' Compensation Commission | 3 | 1 | 2 |
| Totals | 50 | 32 | 86 |

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-36-16

| | | | |
|-------------|----------------|-----------------------|--|
| Employee | John B. Geary | Appeal Date | 02/08/16 |
| Agency | Human Services | Decision Date | 10/06/16 |
| Appeal Type | Discharge | Proposal for Decision | 90-day suspension plus duration of suspension pending discharge. |
| ALJ | Andrew Barris | | |

COMMISSIONER CUMMINGS MOVED TO PARTIALLY AFFIRM AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION WHILE REJECTING THE RECOMMENDATION THAT A 90-DAY SUSPENSION PLUS THE DURATION OF THE SUSPENSION PENDING DISCHARGE IS THE APPROPRIATE DISCIPLINE AND MOVING THAT A 60-DAY SUSPENSION IS THE APPROPRIATE DISCIPLINE CONSIDERING THE RESPONDENT’S CONTINUOUS SERVICE DATE AND NO PRIOR DISCIPLINE REGARDING THE ABUSE OF A RESIDENT. THIS MOTION FAILED FOR LACK OF A SECOND.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 3-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGES WARRANT A 90-DAY SUSPENSION PLUS DURATION OF SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 6, 2016.

**CUMMINGS NO FINCH YES
KREY YES URLACHER YES**

DA-2-17

| | | | |
|-------------|----------------|-----------------------|---|
| Employee | Tashun Martin | Appeal Date | 07/06/16 |
| Agency | Human Services | Decision Date | 09/28/16 |
| Appeal Type | Discharge | Proposal for Decision | Charge not proven; employee to be reinstated. |
| ALJ | Andrew Barris | | |

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO REJECT THE PROPOSAL FOR DECISION AND DISMISS THE APPEAL AS THE EMPLOYEE REQUESTED THAT HIS APPEAL BE WITHDRAWN ON OCTOBER 19, 2016. THE APPEAL IS DISMISSED.

**CUMMINGS YES FINCH YES
KREY YES URLACHER YES**

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XIII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-6-17

| | | | |
|-------------|-----------------------------|-----------------------|-----------------------|
| Employee | Jeffrey Watson | Appeal Date | 07/27/16 |
| Agency | Central Management Services | Decision Date | 10/13/16 |
| Appeal Type | Discharge | Proposal for Decision | Dismissed; withdrawn. |
| ALJ | Andrew Barris | | |

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL AS IT WAS WITHDRAWN BY THE EMPLOYEE.

| | | | |
|-----------------|------------|-----------------|------------|
| CUMMINGS | YES | FINCH | YES |
| KREY | YES | URLACHER | YES |

XIV. STAFF REPORT

Executive Director Stralka reported that he has processed a number of outstanding invoices with the Commission's stop gap appropriation. These included outstanding travel reimbursements. He also reported that there had been a number of media inquiries about a past decision of the Commission that involved a former Department of Veterans' Affairs employee tangentially involved with pending litigation against one of the candidates for U.S. Senate.

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, November 18, 2016 at 1:30 p.m. in the Commission's Springfield office.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 12:01 P.M.